

Article - Education

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§5–304.

(a) (1) (i) The Interagency Commission shall prepare projections of school construction and capital improvement needs for submission to the Capital Debt Affordability Committee under § 8–112(c)(3) of the State Finance and Procurement Article.

(ii) The projections shall be prepared in accordance with the regulations adopted by the Interagency Commission under § 5–303 of this subtitle.

(2) (i) The Interagency Commission shall notify each county board and each local governing body of the annual allocation of school construction funds recommended by the Governor under § 8–113 of the State Finance and Procurement Article.

(ii) The notification shall be made immediately after the Governor has recommended the allocations so that each county may structure its respective school construction and capital improvement priorities in accordance with the annual allocation and any amendments.

(b) (1) Before May 1 of each year, the Interagency Commission may not approve public school construction projects that comprise more than 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(2) On or before December 31 of each year, the Interagency Commission shall approve public school construction projects that comprise 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(3) The Interagency Commission shall establish an appeal process to allow local jurisdictions to request funding for projects that were not approved by the Interagency Commission under paragraph (2) of this subsection.

(4) On or before March 1 of each year, the Interagency Commission shall provide recommendations to the presiding officers and the budget committees of the General Assembly and the Department of Legislative Services for public school construction projects that comprise 90% of the school construction allocation included in the capital budget submitted by the Governor for the following fiscal year.

(5) On or after May 1 each year, the Interagency Commission shall approve 100% of the school construction allocation included in the capital budget bill as enacted.

(c) The following actions by the Interagency Commission are final and are not subject to additional appeals or approvals by another unit of the Executive Branch of State government:

(1) A decision made by the Interagency Commission under the appeal process established by the Interagency Commission; and

(2) The approval of public school construction projects under this subtitle.

(d) The Interagency Commission shall allow any documents or data required by the Interagency Commission from any source, including local education agencies and State agencies, to be submitted electronically to the Interagency Commission.

(e) The Interagency Commission shall be a central repository for information on:

(1) The use of pre-fab and building system options;

(2) Procurement methods;

(3) School facility design and construction; and

(4) Best practices in school construction.

(f) In consultation with the Maryland Stadium Authority, the Interagency Commission shall:

(1) Provide technical assistance and support to local education agencies on the use of alternative financing and alternative project delivery methods for school construction;

(2) Develop a public-private partnership pilot program that:

(i) Provides financial assistance that shall be supplemental to and may not take the place of funding that would otherwise be appropriated for school construction to assist local education agencies interested in pursuing alternative financing to cover the cost of associated risks; and

(ii) Requires local education agencies that use alternative financing to fully document the process, expectations, and results;

(3) Provide technical support for agreements between and among local education agencies and county governing bodies, including regional partnerships, to promote efficiency;

(4) Utilize and promote technological advances to make school building design more efficient and innovative; and

(5) Utilize and promote technology to streamline compliance review and project deliveries.

(g) The Interagency Commission shall work with a local education agency with declining enrollment to identify buildings for consolidation or find alternative uses for underutilized school buildings, subject to the approval of the county board.

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